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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,792	04/14/2004	Stephen Michael Marceau	7706.020CIP	6663

7590 06/25/2009  
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EXAMINER
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HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3695

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,792	<b>Applicant(s)</b> MARCEAU ET AL.	
	<b>Examiner</b> THU-THAO HAVAN	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

#### ***Response to Amendment***

Claims 1-32 are pending. This action is in response to the remarks received March 31, 2009.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Cahill et al. (US 6,181,837).

Re claims **1, 6, 15, 21, and 31**, Cahill teaches a method of recording and perusing financial transaction information (col. 1, lines 5-17) comprising the steps of:

providing an index generating software program to a financial institution for use on a first computer, the index generating software program being operable to generate

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a downloadable index and archive of images of multiple cleared paper checks (col. 2, lines 16-40); and

providing a customer of the financial institution with complementary software for use on a second computer, the complementary software being operable to remotely download the downloadable index and archive of images of multiple cleared paper checks, wherein the archive contains images of the cleared paper checks, and to display the images of the cleared paper checks (col. 5, line 21 to col. 6, lines 30).

Re claims **2** and **7-8**, Cahill teaches archive of images of multiple cleared paper checks is incorporated into the downloadable index (fig. 27).

Re claim **3**, Cahill teaches complementary software also provides an interface and a database selection module for recording the customer's financial transactions (figs. 1-2 5).

Re claims **4** and **22**, Cahill teaches customer with a checking account ledger for recording the customer's checking account transactions; wherein the complementary software is operable to record financial transactions in the checking account ledger corresponding to the check images in the downloadable index (fig. 5).

Re claim **5**, Cahill teaches index is a searchable index, and wherein the complementary software also provides the customer with the ability to search according to check number and to generate a search result that displays an image of the check corresponding to a searched-for check number together with textual information stored in the index identifying the check image (col. 29, lines 21-34).

Re claim **10**, Cahill teaches prerecording a financial transaction corresponding to a check; downloading an image of the check, together with the corresponding transactional text data, after it has cleared; comparing the prerecorded information with the downloaded transaction information; and alerting the customer if there is a mismatch between the prerecorded information and the downloaded transaction information (col. 54, lines 21-34).

Re claim **11**, Cahill teaches printing a check through the financial transaction bookkeeping software; and prerecording the financial transaction based on the information printed on the check (col. 38, lines 32-35; fig. 27).

Re claims **12** and **14**, Cahill teaches receiving an image of a check before it has cleared; running an optical character recognition process on the check image to identify transactional textual information on the check image; and prerecording the financial transaction corresponding to the check by storing the optically-recognized transactional textual information in the customer's checking account ledger (fig. 25).

Re claims **13** and **32**, Cahill teaches financial transaction bookkeeping software program is integrated with an optical character recognition module operable to identify typed or written information in a cleared check image (fig. 27).

Re claims **16** and **25**, Cahill index generating software is operable to generate a single file archive of the checks together with the corresponding cleared check images, and wherein the index downloading software module is operable to remotely access and download the archive (col. 5, line 21 to col. 6, lines 30).

Re claims **17** and **24**, Cahill a financial transaction software program residing on the customer's personal computer, the financial transaction software program being operable to maintain a database of the customer's financial transactions, the financial transaction software program being further operable to store the downloaded index together with the cleared check images; wherein the index downloading software module is integrated with the financial transaction software program (figs. 1 and 27).

Re claims **18** and **26-28**, Cahill a check data and image perusal software module interfaced with the index downloading software module and operable to display the check images together with textual data identifying the check images (fig. 25).

Re claims **19** and **29-30**, Cahill a check data and image perusal software module interfaced with the index downloading software module and operable to search the downloaded index according to check number and to generate a search result that displays an image of the check corresponding to a searched-for check number together with textual information stored in the index identifying the check image (figs. 25 and 26).

Re claims **20** and **23**, Cahill detecting possible check washing fraud (col. 3, lines 60-63).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/  
Primary Examiner, Art Unit 3695